

**SUMTER COUNTY BOARD OF COMMISSIONERS
EXECUTIVE SUMMARY**

SUBJECT: Ordinance to Amend Section 13-332(a)(5)(b), IP (Planned Industrial) Zoning District, Sumter County Land Development Code - 5:00 p.m. Public Hearing (Staff recommends approval).

REQUESTED ACTION: **Approve Ordinance to Amend Section 13-332(a)(5)(b), IP (Planned Industrial) Zoning District, Sumter County Land Development Code.**

☐ Work Session (Report Only)
☒ Regular Meeting

DATE OF MEETING: 9/29/2009
☐ Special Meeting

CONTRACT: ☒ N/A

Effective Date: _____
Managing Division / Dept: _____

Vendor/Entity: _____
Termination Date: _____

BUDGET IMPACT:

☐ Annual
☐ Capital
☒ N/A

FUNDING SOURCE: _____

EXPENDITURE ACCOUNT: _____

HISTORY/FACTS/ISSUES:

Lee Capital Limited Partnership applied for a rezoning on approximately 239 acres, located at the northwest corner of the intersection of SR 44 and CR 219, to IP (Planned Industrial). The rezoning application includes a request to amend Section 13-332(a)(5)(b), Sumter County Land Development Code, to allow commercial and office uses as a secondary use to the primary industrial uses authorized as part of the IP district. Currently, the IP district only allows for industrial uses.

In review of the request of Lee Capital Limited Partnership to amend the IP district, staff identified additional amendments to Section 13-332(a)(5)(b), Sumter County Land Development Code.

On September 8, 2009, the Board set a public hearing for September 29, 2009, to consider the attached ordinance to amend Section 13-332(a)(5)(b), Sumter County Land Development Code as follows:

- * Add commercial and office uses as secondary uses to the primary industrial uses;
- * Replace reference to ordinance with reference to resolution;
- * Clarify IP can also be applied within mixed use future land use;
- * Provide for modification of development timing requirements through adoption of Development Agreement pursuant to Section 163.3220, Florida Statutes.

Staff finds these changes will provide greater flexibility in development of large scale industrial and business park in the county and will have a positive impact in promoting economic development and recommends approval. If adopted, this will apply to all future rezoning requests for the IP district

On September 21, 2009, the Zoning & Adjustment Board held a public hearing on the proposed ordinance to amend the IP zoning district and recommended approval (10-0).

Attached are a strikeout/underline version of Section 13-332(a)(5)(bb), Sumter County Land Development Code showing the proposed changes and the ordinance for approval.

**Proposed Changes to Section 13-332(a)(5)b, Sumter County Land Development Code
IP (Planned Industrial) District**

Underline text are additions and ~~strikethrough text are deletions.~~

1. *Scope, purpose and intent.* The purpose of the IP planned industrial district is to provide for any industrial land use currently available in any other industrial district. The intent of this zoning district is to establish IP districts individually under approved site plans and subject to conditions necessary to promote the general welfare and to secure economic and coordinated land use. IP is appropriate for industrial development where a mix of industrial uses is sought, including secondary commercial or office uses, or where the potential for negative impacts to surrounding uses exists.
2. *Permitted uses.* In the IP planned industrial district, any industrial, commercial, or office land use is permitted; however, the specific ~~ordinance~~ resolution authorizing the establishment of a particular IP planned industrial district related to a specific tract of land shall delineate the allowable uses and place conditions on the land use and operation of the industrial function. These uses and conditions shall attach to the property. In addition, if commercial or office uses are included within the IP planned industrial district, then the commercial or office uses shall be secondary to the primary industrial uses. The gross floor area of the commercial or office uses shall not exceed 25% of the total gross floor area of the entire project.
3. *General requirements.*
 - a) *Location.* Property zoned IP shall be allowed only in industrial or mixed use areas on the future land use map.
 - b) *Roadway.* Fronting on a federal, state or county arterial road at such location that will make it convenient to and easily accessible from intersecting federal, state or county arterial roads;
 - c) *Minimum lot size.* There is no minimum lot size in the IP planned industrial district.
 - d) *Minimum lot width.* There is no minimum lot width in the IP planned industrial district.
 - e) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot they are located upon unless it can be demonstrated that provisions for drainage, parking, storage and public safety are adequate.
 - f) *Maximum building height.*
 - 1) The maximum height for buildings designed for occupancy by persons shall be fifty (50) feet, unless otherwise approved by the commission.
 - 2) Other structures. Any structure in excess of fifty (50) feet will comply with FAA Advisory circular 70-7460-ID, and any amendments thereto.

g) *Minimum setback requirements.*

1) *Roadways.*

A. Arterial roadways: Seventy-five (75) feet from the road right-of-way, or one hundred fifteen (115) feet from the roadway centerline, whichever is greater.

B. Collector roadways: Fifty (50) feet from the road right-of-way, or one hundred (100) feet from the roadway centerline, whichever is greater.

C. Other county roads: Twenty-five (25) feet from the right-of-way, or fifty (50) feet from the roadway centerline, whichever is greater.

D. Corner lots shall be considered as fronting on all adjacent roads for setback purposes.

E. Easements: Setbacks from private or public easements for ingress and egress shall be fifty (50) feet from the centerline of the easement.

2) *From rear or side property lines.* Twenty (20) feet. Amount may be increased or decreased according to proposed uses and site plan layout.

3) *Sign structure setbacks.* Refer to 13-692(b) for sign setback requirements.

h) *Parking.* Parking and loading requirements shall be determined individually on each specific application and depend upon the requested uses and their potential intensity. All parking and loading areas shall be properly screened as determined by the reviewing and deciding authorities.

i) *Access management.* Access points into the development must be paved.

j) *Screening and buffering requirements.* Generally, buffering and/or screening is required between incompatible land uses to protect adjoining uses from negative impacts. For specific information on buffering and screening requirements between land uses, see 13-612.

4. *Procedures.*

a) Preliminary development plan. In order to establish an IP planned industrial district, an application to the board of county commissioners shall be made on official forms obtained from the division of planning and development, with a filing fee and shall be accompanied by a preliminary development plan drawn to scale and other information in such detail as to sufficiently indicate the proposed use of the site. Please refer to Appendix A for preliminary plan submittal requirements.

b) *Approval procedures.* The development review committee shall consider the application and forward its recommendation and proposed conditions to the zoning and adjustment board. The zoning and adjustment board shall consider the application and forward its recommendation to the board of county commissioners. If the recommendation is affirmative, the zoning and adjustment board shall also forward recommended conditions pertaining to the particular application. Said conditions shall include but are not limited to:

- 1) Uses permitted in the "IP" district.
- 2) Performance standards for operation of the permitted uses.
- 3) Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.
- 4) The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "IP" planned commercial district and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance resolution authorizing the establishment of the particular "IP" planned commercial district.
- 5) The ~~final order~~ resolution shall be recorded in public records, at the applicant's expense. The recording may be delayed at the applicant's request until final engineering approval by the board of county commission, but may be delayed no more than one (1) year from the date of approval of the final order.

c) *Notice.* The procedure of public notice and public hearing for rezoning to the IP planned industrial district shall be the same as that required for a change of zoning.

d) *Term of development.*

1) The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one (1) year. Thereafter, construction must begin within one (1) year of engineering approval. A six-month extension may be obtained for good cause shown. The request for extension must be filed prior to the expiration of the use permit, and may be approved by the board of county commissioners upon a recommendation from the development review committee.

2) The time limits set forth above may be modified pursuant to the adoption of a Development Agreement, pursuant to Section 163.3220, Florida Statutes, between the applicant and the board of county commissioners.

2) 3) In the event development is not commenced in accord with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

5. *Modification.*

a) Minor modification. A minor modification is defined as one which seeks changes in the site design and layout, and in changes of use which do not change the type or intensity of the approved uses. The Director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A minor modification may be approved by recommendation of the Development Review Board to the Board of County Commissioners. The application shall include a site plan showing the approved layout and the proposed changes. Detailed information shall be included concerning the proposed changes in use. If, after review, the DRC feels the proposed changes have the potential to create negative impact on surrounding properties, it may refer the case to the ZAB for its review and recommendation to the BOCC. The applicant will be required to remit the balance of the fee to equal that required for Major Modification.

2) Notice for a minor modification shall be the same as for minor use permits. If the DRC refers the case to the ZAB, public notice shall be given as required for public hearings

b) Major modification. A major modification is defined as one which seeks changes in the type or intensity of the approved uses. The Director has the authority to decide whether a proposed change does or does not change the intensity of use.

1) A major modification shall require the same review procedure as the original application. The application shall include a site plan which shows the approved layout, and shall include detailed information concerning newly proposed uses.

2) Public notice shall be given as required for public hearings.

c) Modifications shall require the approval to be recorded in the public records at the applicant's expense

ORDINANCE NO.2009-

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF SUMTER COUNTY, FLORIDA AMENDING SECTION 13-332(a)(5)(b), SUMTER COUNTY LAND DEVELOPMENT CODE, TO AMEND THE IP (PLANNED INDUSTRIAL) ZONING DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Sumter County are committed to increased industrial and commercial development in Sumter County to strengthen the local economy, and;

WHEREAS, the amendments to the land development code set forth herein allow for additional flexibility for industrial and commercial development without compromising the health, safety and welfare of Sumter County residents.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Sumter County, Florida, as follows:

SECTION I AMENDMENT: Section 13-332(a)(5)b is hereby amended to state:

1. *Scope, purpose and intent.* The purpose of the IP planned industrial district is to provide for any industrial land use currently available in any other industrial district. The intent of this zoning district is to establish IP districts individually under approved site plans and subject to conditions necessary to promote the general welfare and to secure economic and coordinated land use. IP is appropriate for industrial development where a mix of industrial uses is sought, including secondary commercial or office uses, or where the potential for negative impacts to surrounding uses exists.

2. *Permitted uses.* In the IP planned industrial district, any industrial, commercial, or office land use is permitted; however, the specific resolution authorizing the establishment of a particular IP planned industrial district related to a specific tract of land shall delineate the allowable uses and place conditions on the land use and operation of the industrial function. These uses and conditions shall attach to the property. In addition, if commercial or office uses are included within the IP planned industrial district, then the commercial or office uses shall be secondary to the primary industrial uses. The gross floor area of the commercial or

office uses shall not exceed 25% of the total gross floor area of the entire project.

3. *General requirements.*

a) *Location.* Property zoned IP shall be allowed only in industrial or mixed use areas on the future land use map.

b) *Roadway.* Fronting on a federal, state or county arterial road at such location that will make it convenient to and easily accessible from intersecting federal, state or county arterial roads;

c) *Minimum lot size.* There is no minimum lot size in the IP planned industrial district.

d) *Minimum lot width.* There is no minimum lot width in the IP planned industrial district.

e) *Maximum lot coverage.* All buildings, including accessory buildings, shall not cover more than fifty (50) percent of the lot they are located upon unless it can be demonstrated that provisions for drainage, parking, storage and public safety are adequate.

f) *Maximum building height.*

1) The maximum height for buildings designed for occupancy by persons shall be fifty (50) feet, unless otherwise approved by the commission.

2) Other structures. Any structure in excess of fifty (50) feet will comply with FAA Advisory circular 70-7460-ID, and any amendments thereto.

g) *Minimum setback requirements.*

1) *Roadways.*

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D. Corner lots shall be considered as fronting on all adjacent roads for setback purposes.

E. Easements: Setbacks from private or public easements for ingress and egress shall be fifty (50) feet from the centerline of the easement.

2) *From rear or side property lines.* Twenty (20) feet. Amount may be increased or decreased according to proposed uses and site plan layout.

3) *Sign structure setbacks.* Refer to 13-692(b) for sign setback requirements.

h) *Parking.* Parking and loading requirements shall be determined individually on each specific application and depend upon the requested uses and their potential intensity. All parking and loading areas shall be properly screened as determined by the reviewing and deciding authorities.

i) *Access management.* Access points into the development must be paved.

j) *Screening and buffering requirements.* Generally, buffering and/or screening is required between incompatible land uses to protect adjoining uses from negative impacts. For specific information on buffering and screening requirements between land uses, see 13-612.

4. *Procedures.*

a) Preliminary development plan. In order to establish an IP planned industrial district, an application to the board of county commissioners shall be made on official forms obtained from the division of planning and development, with a filing fee and shall be accompanied by a preliminary development plan drawn to scale and other information in such detail as to sufficiently indicate the proposed use of the site. Please refer to Appendix A for preliminary plan submittal requirements.

b) *Approval procedures.* The development review committee shall consider the application and forward its recommendation

and proposed conditions to the zoning and adjustment board. The zoning and adjustment board shall consider the application and forward its recommendation to the board of county commissioners. If the recommendation is affirmative, the zoning and adjustment board shall also forward recommended conditions pertaining to the particular application. Said conditions shall include but are not limited to:

1) Uses permitted in the "IP" district.

2) Performance standards for operation of the permitted uses.

3) Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.

4) The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "IP" planned commercial district and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the resolution authorizing the establishment of the particular "IP" planned commercial district.

5) The resolution shall be recorded in public records, at the applicant's expense. The recording may be delayed at the applicant's request until final engineering approval by the board of county commission, but may be delayed no more than one (1) year from the date of approval of the resolution.

c) *Notice.* The procedure of public notice and public hearing for rezoning to the IP planned industrial district shall be the same as that required for a change of zoning.

d) *Term of development.*

1) The approved use may be developed under the current development standards of the code as long as engineering approval is obtained within a period of one (1) year. Thereafter, construction must begin within one (1) year of engineering approval. A six-month extension may be obtained for good cause shown. The request for extension must be filed prior to the expiration of the use permit,

and may be approved by the board of county commissioners upon a recommendation from the development review committee.

2) The time limits set forth above may be modified pursuant to the adoption of a Development Agreement, pursuant to Section 163.3220, Florida Statutes, between the applicant and the board of county commissioners.

3) In the event development is not commenced in accord with the time limits set forth above, any development which takes place thereafter shall comply with development standards then in effect.

5. *Modification.*

a) Minor modification. A minor modification is defined as one which seeks changes in the site design and layout, and in changes of use which do not change the type or intensity of the approved uses. The Director has the authority to decide whether a proposed change does or does not change the intensity of use.

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approved layout, and shall include detailed information concerning newly proposed uses.

2) Public notice shall be given as required for public hearings.

c) Modifications shall require the approval to be recorded in the public records at the applicant's expense

SECTION II. CONFLICTS AND REPEALER.. This Ordinance shall be cumulative of all provisions of the ordinances of the Sumter County, Florida, except where the provisions of this Ordinance are in direct conflict with the provisions of such ordinances, which event all ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION III. CODIFICATION. It is the intention of the Board of County Commissioners of Sumter County, Florida that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Sumter County, Florida and the word "ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of the ordinance may be renumbered or re-lettered to accomplish such intention. The codifier is granted liberal authority to codify the provisions of this Ordinance.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect and be in force after approval of same by the Board of County Commissioners.

DONE AND ORDERED THIS _____ day of _____, 2009

GLORIA HAYWARD
Clerk of the Circuit Court

COUNTY OF _____

Attest:
_____, Clerk

By:

Garry Breeden, Chairman

Approved as to legal form
for Sumter County only:

_____, Attorney